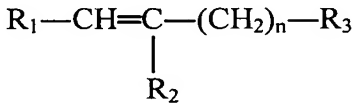
Remarks

Rejections Under 35 USC 102

Claims 1-11 have been rejected under 35 USC 102 as being anticipated by Sandstrom et al., EP0831121 (EP '121). To the extent that the amended claims are deemed unpatentable, these rejections are traversed.

Claim 1 has been amended to recite that the high impact polystyrene comprises greater than 90 percent by weight of units derived from styrene and less than 10 percent by weight of units derived from a monomer of the formula



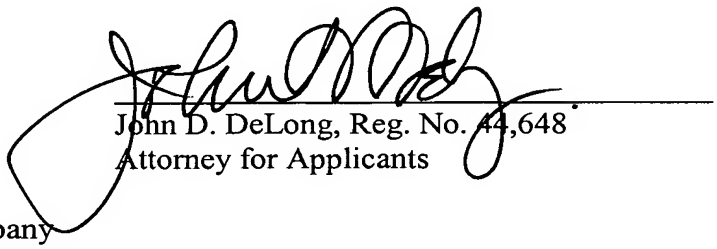
wherein R_1 and R_3 are selected from the group consisting of hydrogen, halogen, alkyl groups of 1 to 4 carbon atoms, carboalkoxy or R_1 and R_3 taken together represent an anhydride linkage (—COOOC—) and R_2 is selected from hydrogen, vinyl, alkyl or alkenyl groups having from 1 to 12 carbon atoms, cycloalkyl, carboalkoxy, alkoxy-alkyl, alkyl carboxy, ketoxy, halogen, carboxy, cyano or pyridyl and n is 0 or an integer from 1 to 9. Support for this amendment is found in the specification at page 1, line 29 to page 2, line 16.

Applicants urge that as currently amended, the claims are not anticipated by, or obvious in view of EP '121. EP '121 discloses a rubber composition comprising an elastomer , silica, carbon black, and a triblock copolymer of terminal hard styrene based segments and of internal diene based elastomer segments (abstract). The triblock copolymer is disclosed as having the general configuration of A-B-A wherein A represents the terminal hard polystyrene segments and B represents the internal soft diene-based elastomer segments, and wherein the B component is about 20 to 80 percent of the triblock elastomer (page 2, lines 31-38). Thus, EP '121 requires from 20 to 80 percent of the diene-based elastomer segments in the triblock elastomer. By contrast, the present claims recite that the high impact polystyrene comprise less than 10 percent of the monomer of recited structure, and greater than 90 percent of styrene. Thus EP '121 does not anticipate the current claims. Nor does EP '121 make obvious the current claims; EP '121 clearly requires 20 to 80 percent of the diene-based elastomer segments and thereby teaches away from the current claims reciting that the high impact polystyrene comprises less than 10 percent of the monomer of recited structure.

Conclusion

For all the foregoing reasons, Applicants urge that the claims are now fully patentable over the cited art and respectfully request allowance of the claims.

Respectfully submitted,



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